

**MINUTES  
CITY PLANNING COMMISSION  
J. MARTIN GRIESEL CONFERENCE ROOM  
TWO CENTENNIAL PLAZA – SUITE 700  
805 CENTRAL AVENUE**

**MAY 7, 2004  
9:00 A.M.**

**PRESENT**

*Appointed Members:* Donald Mooney, Jr., Jacquelyn McCray, Valerie Lemmie and James Tarbel  
*Community Development & Planning Staff:* Margaret Wuerstle, Caroline Hardy Kellum,  
Adrienne Cowden, Felix Bere, Katherine Keough- Jurs, Rodney Ringer,  
Steve Briggs, Virginia Vornhagen, Renee Christon  
*Law Department:* Julia Carney, Bill Rottner

**CALL TO ORDER:**

Meeting was called to order at approximately 9:15 a.m.

**MINUTES OF APRIL 16, 2004**

Vote on approval of the minutes of the April 16, 2004 meeting.

**Motion to Approve:** Ms. V. Lemmie  
**Second:** Ms. J. McCray  
**Vote:** All ayes (4-0) motion carries.

**CONSENT ITEMS**

Mr. Mooney: Does anyone want to remove or discuss any of the below items 2 through 5, or approve all, excepting Item #1 "Vacation of Britt Alley".

1. ORDINANCE – Vacation of Britt Alley between W. 9<sup>th</sup> Street and Pendery Alley.  
**REQUESTED TO BE REMOVED FROM AGENDA.** This item will be rescheduled at a later date.
2. ORDINANCE – The dedication of 8 (eight) permanent easements to public use for construction maintenance, repair and replacement of water mains and water main appurtenances outside of the city limits.
3. ORDINANCE – Sale of a portion of Grand Avenue, in the Price Hill community.
4. ORDINANCE – Agreement of Lease (for 5 years) for property in Eden Park for placement of a cellular transmission pole.
5. ORDINANCE – Sale of surplus City-owned property located at 2226-2236 Loth Street. Mr. Bowling was later called upon and he had no objections.

**Motion to Approve:** Consent Items 2-5 Approved – V. Lemmie (#1 deleted).  
**Second:** J. McCray  
**Vote:** All ayes (4-0) motion carries.

## **DISCUSSION**

### **6. ORDINANCE – Sale of property at 2836 Cortelyou to adjoining property owner.**

Mr. Mooney remarked that this item is back again. Staff Planner Caroline Hardy Kellum reported that Real Estate received the \$11,000 check yesterday from adjoining property owner. At the last meeting the Planning Commission recommended denial of the sale of the property to a preferred developer and instead recommended that the Council sell this property to the abutting property owner. A new ordinance was introduced to sell the property to the adjoining property owner for fair-market value, \$11,000. The new ordinance needs to be presented to the Planning Commission before City Council can act on it. Mr. Tarbell asked if the \$11,000 received for this property or another property would be going to the preferred developer. Ms. Kellum said that she was not informed about that, only that the Pleasant Ridge property was not necessary for the Westwood Pearson Green House development. Mr. Tarbell said it might be worth looking into the possibility to “sweeten the deal”.

**Motion to Approve:** Ms. J. McCray  
**Second:** Ms. V. Lemmie  
**Vote:** All ayes (4-0)

### **7. ZONE CHANGE REQUEST -- Within the vicinity of Langdon Farm Rd. & Rhode Island Ave.**

Staff Planner Steve Briggs presented background on the zone change request by City Council for the area zoned RM 1.2 and the proposed change to PD district within the area of Langdon Farm and Long Island for the Huntington Meadows housing development now known as Villages of Daybreak. This development consists of 300 single-family residences, 65% of which would be detached and 35% would be attached town homes, partial funding will be provided by the City. With the Commission’s okay we would be able to move forward with changes.

Steve then introduced Mr. Rick Kimbler, representing Allan, Temple-Tryed Stone Development, Inc. Mr. Kimbler reported that the company is in the process of refining the builder product that is now in the evolutionary stage. The company will begin work on a number of single-family dwellings in order to present them at Citirama next April along Rhode Island. The next phase of the project would be for 45 single-family dwellings. He asked the commission if they had recently been by the site because changes on this property, from Langdon Farm to the east to Seymour and north of Rhode Island, are drastic. They will then begin demolition to the east and then south. The company will try to leave some trees, maintaining as many as possible along the public right-of-way (as well as planting new ones within the whole area). Both Mr. Tarbel and Mr. Mooney indicated support for this idea. Ms. Lemming and Ms. McCray echoed their sentiments.

Mr. Tarbel requested information on the Swifton site. Mr. Kimler said that would be up to the Foundation. Right now they are focusing on demolition and debris removal.

Mr. Tarbel questioned the affect of the Swifton complex on the development. Mr. Lang of CDS Assoc. indicated that Swifton Commons would always be high-density commercial. He pointed out that the scale of the drawing displayed is one inch per 100 ft., and that it was 150 ft. to the closest point of Swifton Commons. Jeff Hebbler with Northpointe said that it was the builder's desire to try to consolidate more of the attached product in order to engage some efficiencies and enhancements. Garages are at the rear, with homes at the front. In between the garage and the home is a courtyard; therefore while in your yard you are protected from most of noise from Swifton Commons.

Ms. Lemmie suggested they give us their general plans for the layout of the homes. The City can get those approved very quickly when the specific permit applications are filed because we have already officially approved the general plan. We can help them make the timeline if they get the plans to us early. Great, thank you (Northpointe rep). Be sure we look at landscaping on this development. Questions were raised about the mixed use of Swifton Commons. The developer responded, not to date; but our focus has been on Daybreak 99.9%. Motion to approve zone change?

**Motion to Approve:** Ms. Lemmie  
**Second:** Ms. McCray  
**Vote:** All ayes (4-0) motion carries.

#### **8. ORDINANCE – Easements for Uptown Towers.**

Planner Steve Briggs presented this item. This item is a request by the prospective new owner for a release on the easements the City now controls over the Uptown Towers complex just across from 9<sup>th</sup> Street. The easements now in place had been set up in the 1970s when the complex was constructed. The prospective new owners want to have the City released. Mr. Mooney wanted to know what the new owner was going to do with the property; Mr. Briggs said maintain it as is. Mr. Mooney questioned if this was a total release of City for maintenance. Mr. Briggs said yes. Mr. Tarbel asked that the Planner suggest to the owners to make improvements to the campus to make the Towers' general area more attractive. Mr. Briggs also pointed out that this was subsidized rental housing.

**Motion to Approve:** Ms. McCray  
**Second:** Ms. Lemmie  
**Vote:** All ayes (4-0) motion carries.

#### **9. ZONE CHANGE REQUEST: Winton Road -- Staff will discuss issues associated with request.**

Mr. Bardock represented by Mr. Gerson both approached the speakers' table and sat down. Zoning had been changed as part of the re-zoning process shortly after Mr. Bardock bought this property that adjoins his complex. He is looking to possible future plans of increasing units. This adjoining area was originally equally zoned with his property and would allow him to expand. He purchased it in December of 2003 and the zone change came in in February of 2004. He had not received prior notice. A ranch house (original home at 4840) is at the back of this property and could easily be renovated as a clubhouse. The rear area is rather like a small cliff at the top of which the development would start. This developed area (when instituted) would have little or no effect on the adjoining single-family dwellings.

Staff Planner Rodney Ringer said the property is currently zoned to SF6. The property was R4.

Mr. Mooney asked the owner to begin a dialog with the community. This would help him to smooth the way for the future time when he may begin new development. The owner would like to have the zone change rescinded and the fee waived. Mr. Tarbel was agreeable to completing the Land Use Study (final report possibly in the fall of the year). Mr. Mooney also was agreeable to waiving the zone change fee.

**Motion to Approve:** Ms. McCray  
**Second:** Ms. Lemmie  
**Vote:** All ayes (4-0) motion carries.

### **OTHER BUSINESS**

Hyde Park Observatory bought property in the vicinity of Edwards and Linwood (2711-2741 south side of street) and has built an office. The community is against this office as a non-conforming use. The owner has requested a zone change with the fees waived. Mr. Tarbel noted that this property had been used as a business place since he was four. He wanted to refer the question to the staff and do a zone change study and the formal re-zoning process. Mr. Tarbell also noted that an apartment building is in the area (thus a business), yet the area seems to have remained steady.

**Motion to Approve:** Ms. McCray  
**Second:** Mr. Mooney  
**Vote:** All ayes (4-0) motion carries

Margaret Wuerstle, Chief Planner, asked the Commission about the timeframes on the new IDCs that were created on several T-zone areas with the adoption of the new zoning code. There is a concern on the part of the neighborhoods that the IDCs placed on the T-zones will expire in 3-months.

These were put in place for a year but we can find nothing in writing indicating that it was the intention of the Planning Commission and City Council to have these IDC remain in effect. Due to the amount of work and Land Use Studies required as a result of the adoption of the new zoning code, it would be impossible for staff to complete the required studies in the traditional 3-month period. Therefore, the Council and Planning Commission both indicated that these IDCs would remain in effect for one year or until the Land Use Studies were completed. Mr. Mooney felt February 13, 2004 was the effective date of the ordinance, and the IDCs were in place until February 13, 2005. It was the consensus of the Planning Commission that the IDCs remain in effect until February 13, 2005.

### **ADJOURNMENT**

With no further business to consider, the meeting was adjourned.

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Margaret A. Wuerstle, AICP  
Chief Planner  
Department of Community  
Development & Planning

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Donald Mooney, Chair  
City Planning Commission

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\*\* FOR ADDITIONAL INFORMATION ON ANY AGENDA ITEM, PLEASE CALL 357-2885 \*\*